IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

WEDNESDAY, THE FIFTH DAY OF NOVEMBER , TWO THOUSAND AND THREE

: PRESENT :

THE HONOURABLE **MR. DEVINDER GUPTA**, THE CHIEF JUSTICE

AND

THE HON'BLE MS.JUSTICE : **G. ROHINI**

WRIT APPEAL No. 1943 of 2003

(Writ Appeal under Clause 15 of the Letters Patent against the Order in W.P.M.P.No. 29202 of 2003 in W.P.No. 23265 of 2003 dated 4-11-2003 on the file of the High Court).

Between:

Challa Rambabu.

Appellant/Petitioner

AND

1. The Chief Executive Officer, Zilla Parishad, Guntur, Guntur District.
2. The Commissioner, Panchayat Raj, Hyderabad.
3. The District Panchayat Officer, Guntur, Guntur District.
4. The Election Officer-Cum-Deputy Executive Engineer, R & B, Macherla, Guntur District.
5. The State Election Commission, rep. by its Secretary, Budha Bhavan, Secunderabad.
6. The District Collector, Guntur, Guntur District.

Respondents/Respondents

COUNSEL FOR APPELLANT : MR. T. Rajendra Prasad,
COUNSEL FOR RESPONDENT No.1 : Mr. Dammalapati Srinivas, SC for ZP
COUNSEL FOR Respondent Nos. 2,3,4 & 6 : The Govt. Pleader for Panchayat Raj
COUNSEL FOR RESPONDENT No.5 : Mr. V.V. Prabhakar, SC for S.E.C.

The Court delivered the following ORDER:

Appellant is the elected President of Mandal Praja Parishad, Karampudi, Guntur District and he questioned the act of the respondents in accepting the resignation alleged to have been submitted by him to the office of President of the Mandal Praja Parishad on the ground that he never appeared before the Chief Executive Officer, Zilla Parishad, Guntur, in order to hand-over his resignation. He denied having ever tendered any resignation from the Office of President. Questioning these acts, writ petition was filed by the appellant and he sought an order to stay of election to the office of President of Karampudi Mandal Praja Parishad. Learned single Judge did not grant stay, but ordered that the election to the post of President may go on, but the same will be subject to further orders in the Writ Petition. Appeal is against the said order.

We have heard Counsel for Appellant and the Government Pleader for Panchayat Raj and we are of the view that it is a fit case where order ought to have been passed staying the election in view of the specific allegations made by the Appellant. In any case, in order to settle the entire controversy, we require the respondents to produce the entire records, including the alleged resignation letter which led to the passing of the order accepting the resignation alleged to have been submitted by the Appellant.

List the Appeal on Wednesday (12-11-2003). In the meanwhile, it is directed that any action taken pursuant to the election stated to have been conducted on 05-11-2003, no effect will be given to the result declared in the

said election.

ASSISTANT REGISTRAR

// TRUE COPY //
for ASSISTANT REGISTRAR

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To
1. The Chief Executive Officer, Zilla Parishad, Guntur, Guntur District.
2. The Commissioner, Panchayat Raj, Hyderabad.
3. The District Panchayat Officer, Guntur, Guntur District.
4. The Election Officer-Cum-Deputy Executive Engineer,
   R & B, Macherla, Guntur District.
5. The Secretary, State Election Commission, Budha Bhavan, Secunderabad.
6. The District Collector, Guntur, Guntur District.
   (Addressees 1 to 6 by R.P.A.D)
7. Two CCs to the Govt. Pleader for Panchayat Raj, High Court of A.P., Hyd(OUT)
8. Two Spare copies.

TKK

HIGH COURT

HC.J
&
RG.J

DT. 5-11-2003.

ORDER

W.A.NO. 1943 OF 2003

DIRECTION

DRAFTED BY TKK
DT. 5-11-2003.

HIGH COURT

HC.J
&
RG.J

DT. 5-11-

2003.

ORDER

NOTE : List the Appeal on

Wednesday (12-11-2003)

W.A.NO. 1943 OF 2003

DIRECTION